

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NEW BEGINNINGS HOUSTON,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-13-3734
	§	
DEUTSCHE BANK NATIONAL TRUST	§	
COMPANY,	§	
	§	
Defendant and	§	
Third-Party Plaintiff,	§	
	§	
v.	§	
	§	
KATHY WHITMER,	§	
	§	
Third-Party Defendant.	§	

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT
AGAINST THIRD-PARTY DEFENDANT KATHY WHITMER
AND FINAL JUDGMENT

On this day came on to be considered the above-entitled and numbered cause wherein Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-OPT5, Asset-Backed Certificates, Series 2006-OPT5 ("Deutsche Bank") is Third-Party Plaintiff and Kathy Whitmer ("Whitmer") is Third-Party Defendant. Whitmer, although having been duly and legally cited to appear and answer, failed to appear and answer the third-party claims against her, and wholly made default on Deutsche Bank's third-party claims against her.

I.

Deutsche Bank's Original Third-Party Complaint against Kathy Whitmer ("Third-Party Complaint") was served according to law and returned to the Clerk where it remained on file for the time required by law. The Court has read the pleadings and the papers on file, and finds that Whitmer has not moved, answered, or otherwise pled within the enlarged period of time allowed by the Court for her to do so, that she is in default, and that Deutsche Bank is entitled to a judgment of default against her. The Court further finds that Deutsche Bank does not seek monetary damages against Whitmer, but instead seeks certain declarations and a judgment allowing foreclosure of the real property which is the subject of this matter.

II.

In light of Whitmer's default and the nature of Deutsche Bank's third-party claims against her, it is accordingly

ORDERED and ADJUDGED that the material allegations of the Third-Party Complaint be and are deemed admitted as to Whitmer, including but not limited to, Deutsche Bank's allegations that Whitmer is in default of that certain Note dated February 27, 2006, and payable to Option One Mortgage Corporation, and in breach of the Note and that certain Deed of Trust executed contemporaneously

with the Note and recorded as document number Z148596 in the official public records of Harris County, Texas. It is further

ORDERED and ADJUDGED that Deutsche Bank may proceed with judicial foreclosure or foreclosure pursuant to Texas Property Code section 51.002 with respect to Whitmer and the real property commonly known as 5002 Willowbend Blvd., Houston, Texas 77035 (the "Property") and more particularly described as follows:

LOT 3, IN BLOCK 1, OF WESTBURY, SECTION ONE (1), A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 47, PAGE 73, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS

which secured the Note as reflected in the Deed of Trust. It is further

ORDERED and ADJUDGED that Deutsche Bank have and recover of and from Whitmer all costs of court expended in this matter as a further obligation owed by Whitmer under the Note and Deed of Trust. It is further

ORDERED and ADJUDGED that all writs and processes necessary for the enforcement and execution of this Default Judgment may issue.


Plaintiff New Beginnings Houston's cause of action against Defendant Deutsche Bank was previously dismissed on Joint Stipulation of those parties and Order dated February 21, 2014, and there are no other parties or issues remaining to be tried.

Accordingly,

This is a **FINAL JUDGMENT**.

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED at Houston, Texas, on this 6th day of May, 2014.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE